

REFORM IS NEEDED

In the Organic Law of the State of Indiana,

Is the Opinion of the Hon. John T. Beasley.

He Gives Good Reasons for His Belief.

MANY OTHER OPINIONS.

A Number Believe Amendments Will Suffice,

And That General Reconstruction Is Unnecessary,

While Others Fear the Result of a Convention.

Distinguished Citizens of the State Discuss the Question of a Constitutional Convention in All Its Bearings—A General Feeling That the Powers of the Courts Should Be More Clearly Defined—The Present Constitution Considered Out of Date—Mr. Reeve Raises Elaborate Objections to Holding a Convention—Reforms Suggested by Various People.

Some ten days ago THE SENTINEL sent letters to a large number of prominent citizens of the state, irrespective of party, asking their views on the advisability of holding a constitutional convention. The following replies have been received:

To the Editor—Sir: I am of the opinion that our organic law is in need of reconstruction and reform. While it may have been entirely suitable and adequate to the conditions and environments of our commonwealth in 1852, it is confessedly inadequate and out of joint with our new and progressive civilization and conditions. Much of it has become entirely obsolete and useless, and all such portions should be eliminated, while necessary for stability in government, require such a cumbersome and tedious course of procedure, and the provision that, "while an amendment or amendments which shall have been agreed upon by one assembly shall be awaiting the action of a succeeding general assembly or of the electors, no additional amendment or amendments shall be proposed," renders it necessary, in my opinion, that a constitutional convention shall be held as soon as the same can be provided for by law.

As to the changes and reforms which should be engrained on the new constitution, I would suggest:

That the limitation upon the length of the sessions of the general assembly should be changed from sixty-one to one hundred days. Every person who has observed the workings of our legislature in recent years and taken notice of the amount of necessary haste and ill-considered legislation that has been placed upon our statute books agrees that it would be a matter of absolute economy, and would insure very much better and safer legislation, to have the sessions of our general assembly extended from sixty-one to one hundred days.

I would have the limitations and powers of the three coordinate branches or departments of government more definitely stipulated and defined. The unseemly and indefensible clashing and wrangling of certain departments of our state government of recent years in matters quasi-political have caused every loyal and thinking citizen of our state to long for a constitutional provision which shall say in terms to those entrusted with judicial, legislative and executive power, "Thus far shalt thou go and no farther."

I would, in this connection, make provision for an increase in the number of judges constituting our supreme court, to the end that we shall only have one appellate court of last resort in our state. While the exigencies of the occasion rendered it imperative that the new appellate court should be increased, yet I am now, as I always have been, of opinion that in the interest of economy, uniformity of judicial construction and interpretation and stability in the laws of rights and liabilities, we should have but one court in this state exercising appellate jurisdiction of last resort, and that should be our supreme court, so enlarged that, in our court of supreme appellate jurisdiction, "justice shall be administered freely, and without partiality; promptly, and without delay."

The fact that an effort has been made for two successive sessions of the general assembly to have an expression of the electors of the state upon the proposition to have a uniformity in the tenure of office of the various state and county officers in the administrative department of state government, and to limit the tenure of office to one term of four years and rendering the tenure of office in respect to election, argues stronger than I could state, that a reform is demanded in that feature of our organic law.

I would have created a board of pardons and paroles, to consist of the governor, the chief officer of the state board of charities, and the wardens of the two prisons. This board to be given power, under proper restrictions to be provided by law, to grant paroles of prisoners during good behavior, and to grant absolute pardons in proper cases, and thus carry out the spirit of our bill of rights, that "the penal code shall be founded on the principles of reformation, and not of vindictive justice."

In my opinion provision should be made for the favor, and better reward, of earnings and franchises of corporations or their tangible property, or both, at the option of the legislature. While, in my opinion, under our present tax laws, as now administered, we are making the corporations bear their share of the burdens of taxation better than the states that have adopted the method of taxing earnings and franchises solely, with the well known facilities of corporations for discovering methods of evading taxation, I think we do well to adopt the plan of the old colored man, and prepare to "catch them a-comin' or a-goin'."

Provision should, in my opinion, be made for registration of voters in line with the spirit of reform and purity in the exercise of the electoral franchise, which has recently taken shape in our admirable election laws.

Briefly and hastily there are some of the reforms, with the reasons for their adoption, which, in my opinion, should be

enacted on our new constitution, should not be adopted. Whatever steps may be taken looking to this end, however, should be taken only after full, free and thorough discussion and consideration, and THE SENTINEL cannot be too warmly commended for its patriotic effort to bring these desirable reforms about.

Sullivan, Dec. 26. JOHN T. BEASLEY.

C. H. REEVE.

No Convention but a Good Many Amendments.

To the Editor—Sir: In replying to your circular letter I shall not be brief, as requested; but you can run over as much or as little of it as you may feel disposed. My impressions have not been favorable to a constitutional convention, for the reason that I believe in as little changes as possible in established laws, especially fundamental ones. It has taken a quarter of a century to settle a new constitution and the statutes made in pursuance of it, so the courts, the legislature and the people can know what to rely on as being settled law.

With change of social and commercial conditions in the progress of civilization, modifications of constitutional and statutory enactments become necessary from time to time, but there should be as little change as is possible—only enough to make the law accomplish justice, where change is required by changed conditions. Our constitution is the frame work for a governmental organism, and the structure is completed by the law-making department. It provides for legislative, executive, judicial and administrative departments, conferring such prerogatives, powers and limitations as are deemed best in the establishment and maintenance of stable government. It is preceded by a declaration of rights, including privileges, powers and limitations as to the people. It provides for amendments in an economical manner and one calculated to insure against hasty action by the people or their representatives—one that compels deliberate consideration. In the course of events amendments have been made, which were deemed essential without disturbing the general provisions, and a few changes can be made in like manner, as may be found necessary. Whether a sufficient number can be made is a matter for doubt.

A convention would tear in pieces the one we have and make another at enormous expense to the state. We have no assurance that the new one would be any improvement on the present one as a whole, and we may well fear the spirit of innovation that constantly acts upon us, mistaking it for judgment, and being sadly in error too often for the public welfare.

On the other hand, it is true, that a good many provisions can be made for the betterment of the government, and it is doubtful if, during our short legislative terms, they would get judicial consideration and proper formulation, but if a joint committee could be assigned to the duty, it might present a better work than a convention of 150 members would. My impressions have been favorable to such action.

As to amendments I would favor provision:

1. Limiting the pardoning power of the governor and constituting a board of pardons consisting of the state board of charities and correction, the prison board and the governor.

2. Extending the time of legislative sessions—both general and special.

3. Limiting the granting of corporate franchises; prohibiting organization of subordinate and auxiliary corporations under any corporate organization; limiting the power and term and the business to the objects specified in the charter, and making stockholders liable for the corporate obligations.

4. Requiring municipalities to reserve a portion of the income arising from the exercise of franchises granted; prohibiting them from giving vested rights to the streets or other municipal property to the exclusion of municipal control as the interests of the municipality may require; and prohibiting the granting of any monopoly.

5. Prohibiting the appropriation of money by the legislature for any purpose other than the necessary uses of the state in conducting government.

6. Prohibiting legislative appropriations beyond the amount of revenue or resources provided for.

7. Extending the terms of some official positions.

8. Definitely fixing the jurisdiction of the courts in respect to election and election returns, and especially as to members of the legislature, where each house is the judge of the qualifications and election of the members.

9. Requiring laws to so provide that irregularities in the conduct of elections shall not operate to disfranchise the voters of the precinct or locality affected.

Personally I would favor provisions:

a. Making the elective franchise dependent upon actual and proper use of it. Neglect to use it without lawful excuse or abuse of it by offering or accepting a bribe to forfeit the right to it.

b. Limiting the elective franchise to actual citizens.

c. Subjecting all property, except public property, to taxation, no matter by whom owned or for what purpose used.

d. Prohibiting local legislation absolutely, by any kind of subterfuge or provision.

e. Making certificate of a court, after examination of applicant, necessary to admission to the bar to practice law as an attorney.

f. Making any competent person in the state eligible to a judicial office in any circuit or in the supreme court, regardless of his residence in the state.

g. Prohibiting enabling or curative statutes except in cases where the act done would have been legal if rightly done, and is void only on irregularity. And especially, acts to make that which had no legal existence at the time, and acts for the relief of defaulters or their sureties.

h. Making the right to personal liberty dependent on abstinence from crime and disturbance of public order; and once forfeited, to be restored only by judicial order on proof that the offender is reformed and fit to be trusted on parole, made by the board of pardons.

i. Restricting prosecutors to attorneys to be sworn to, to prosecutions as the grand jurors are to presentments; to prosecute none through hatred, envy, malice or ill-will, nor leave any unprotected through fear, favor, affection, reward, or the hope of it, nor merely to convict; but to discover the truth as to the guilt or innocence of the accused, that the law may accomplish justice.

j. Giving courts power and making it a duty in criminal trials to inquire into the personality of the accused—his capacity, knowledge, environment and antecedents—with a view to determining the capacity of the accused, the character of his motives, and the proper disposition of him in prison if convicted.

k. Giving courts power to commit to prison on indeterminate sentence; subject to parole or discharge of the convict on recommendation of the prison board or board of pardons.

l. Prohibiting the death penalty.

m. Authorizing the establishment of a system of prisons—reformatory, intermediate and incorrigible.

There are other things of importance that can be named, but I have grave

doubts if a convention would favorably consider any I have mentioned or might mention. The universal cowardice before the desire for an amendment, unnaturalized vote and the universal liberty construed to mean unrestrained license of the many irresponsible having a vote, offers little encouragement to those who would philosophically consider the uses and ends of liberty and restrictively restrict them only so far as they are consistent with order and the preservation of even-handed justice.

C. H. REEVE.

Plymouth, Dec. 30.

JAMES H. WILLARD.

In Favor of a Convention That Would Modernize the Fundamental Law.

To the Editor—Sir: Responding to your letter of the 23d inst, I will say that I favor the calling of a constitutional convention.

It is true that some years since a democratic convention inserted a plank in the state platform of the party opposing such a convention, but the reasons which at that time led to the opposition to the idea no longer have force.

It is now forty years since our present constitution was adopted and many of the impelling forces of our present civilization were not then in extended operation, and in addition to this the population of the state has quintupled. Railroads, telegraphs, telephones, electric plants, building stone quarry companies, coal mines and natural gas wells were then either unknown or limited in use throughout the state. There was no development of the new in government, new physical forces, new rules of action. The constitution of 1852 fitted admirably conditions then existing, but is certainly inadequate to those which now confront us.

The supreme power of the body politic over corporations, created for the improvement of the people, should be absolutely prohibited by the supreme law, and this prohibitive clause should be so clear as to be incapable of misconstruction by any court.

The "police power of the state," a new departure in the legal theory of administration, should be adequately defined so that its limits would be certainly known in some other way than by the decisions of courts of last resort. The taxing power of the state should be more exact in its limits and more clearly defined.

The power of the legislature in the matter of appointments should, if possible, be fixed clearly and beyond doubt. The vast array of judicial decisions as to the limits of the judicial power should be incorporated in the constitution itself so as to place the adjudicated law beyond further dispute.

These are some of the reasons which lead me to believe that the time has arrived for the calling of a constitutional convention. The limit of time of such convention for its deliberations should be long enough to give the fullest opportunity for debate and consideration of the new constitution, so that when finished it will be an honor and glory to the state.

Very sincerely yours, JAMES H. WILLARD.

Bedford, Dec. 26.

THE HON. R. C. BELL.

A Convention Neither Desirable Nor Advisable.

To the Editor—Sir: I do not deem it either desirable or advisable to call a constitutional convention at the present time. It is not necessary. Our constitution provides a simple, sufficient and inexpensive means for its own amendment without resort to the large expense of a convention, whose work, when done, may and often should fail of approval and adoption. Our people are neither in the mood nor condition to incur such an expense.

I know of no greatly needed reform in the provisions of our constitution which is being clamored for by the body of our people. Its present provisions have been so often construed by our courts that their meaning is well understood. Good safety and the sense of safety are worth a great deal.

Besides, this, in my opinion, is not a propitious time for changing and remodeling our organic law. There is too great a feeling of unrest abroad in the land. There is too much dissatisfaction in some directions with the order of things, which should not be changed and which are not in fact responsible for the causes of this dissatisfaction. Much of this, in my opinion, is justly deserved, and the present unjust system of federal taxation. Yet this feeling could hardly be prevented from giving an unjust and unfair coloring to the work of a convention.

Better "bear the ills we have than fly to others we know not of."

Fort Wayne, Dec. 27.

R. C. BELL.

D. H. HELLER.

A Ten-Year Term Needed for Supreme Court Judges.

To the Editor—Sir: Your favor of recent date asking my views as to the advisability of holding a constitutional convention, is at hand. I do not feel fully prepared to advise the holding of such a convention. In the first place it would be very expensive to the state, and in the second place we have a very good constitution. I confess that it might be reformed in several respects, but could not say that the reformations and changes would justify the expense.

If a constitutional convention should be held there are several changes I would be glad to see made, but will only suggest one in this case, namely: That the supreme judges be elected for ten years instead of six, and that one of the said judges be elected every two years. That if one of the judges should die, resign or be removed, the vacancy for his unexpired term (and until the next general election) should be filled by appointment by the governor.

Admitting that there are some changes now proper and perhaps necessary to be made in the organic laws of the state, there are none of such imperative or immediate necessity that it may not well be trusted to the legislature, and not to a method of presenting them to the legislature of the state and through them to the people for ratification.

It seems well settled that the present number of supreme judges, as allowed by our constitution, is insufficient to transact the increasing volume of business before that body.

The terms of all state and county officers should be made of uniform duration of four years and the incumbent limited to a single term.

These and other things can be accomplished through the legislature without incurring the vast expense of electing and holding a constitutional convention, with the incident damage to the state.

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a competent and qualified attorney of the same politics of the judge whose office was made vacant. Of course in the first election after an grafting such a provision in the constitution the judges would have to be elected as follows: One for two years, one for four years, one for six years, one for eight years, and one for ten years, and after that elect one each two years.

Many good reasons suggest themselves in support of this change:

1. The supreme judges should be placed as far away from political fights, broils and contentions as it is reasonably possible to do.

2. Ten years would be as long as many of the persons elected as supreme judges would care to serve.

3. In a ten-years' term the last four years of service, by reason of experience and acquaintance with the business, would be of more real value to the people than the first six years.

4. If the people should see fit to re-elect a judge for a second ten-years' term, then the fact of his having had ten years of experience would make his decisions the more valuable and would make him the better qualified to fill the position.

5. With this mode of election we would not be so likely to have at any one time the majority of the court composed of inexperienced judges, but the reverse would most likely be true at all times.

6. Our supreme court decisions would not be so apt to get away from the old landmarks and from the long and well-established rules of law and practice.

Different lawyers have different notions about what the law ought to be, and where there is an almost constant change of judges there is almost a constant opening for reform and as such a judge is the law declared in accordance with his notion of what it ought to be, and thus the opportunity is offered and the tendency is to get away from precedent and from established law. D. H. HELLER.

Portland, Dec. 26.

JUDGE DAILEY.

Does Not Think a Convention Would Be Advisable.

To the Editor—Sir: I am not favorably impressed with the propriety of holding such a convention at this time. It is true that our present constitution (since slightly amended) took effect on Nov. 1, 1851, when Indiana was comparatively an insignificant state, and that she has since grown to immense proportions, but the framers of that instrument build for the future and made provisions for the wants and necessities of the people for many years to come. It seems to me that we have enough organic law, and the calling of a new convention could result in little good. It would be quite an extensive venture, and at a time too, when the state is considerably burdened with debt. It is quite unfortunate that art. 16, sec. 233 of this instrument provides a cheaper method of changing its provisions. This section reads: "Any amendment or amendments to this constitution may be proposed in either branch of the general assembly; and if the same be agreed to by a majority of the members elected to the two houses, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, then it shall be the duty of the general assembly to submit such amendment or amendments to the electors of the state; and if a majority of the electors shall ratify the same such amendment or amendments shall become a part of this constitution." As much deliberation and consideration would attend this plan as the more cumbersome and expensive plan of a constitutional convention.

I would change sec. 152 of art. 6 so as to make the term of every county officer four years, and make each officer eligible four years in any period of eight years. I would also change sec. 152 of art. 7 so that the supreme court may consist of not less than nine nor more than thirteen judges, a majority of whom shall form a quorum, after which it would be economy to abolish the appellate court.

Bluffton, Dec. 25.

S. M. RALSTON.

Favors a Convention and Suggests Needed Reforms.

To the Editor—Sir: The present constitution is not equal in scope and comprehension to the spirit of the times. Without submitting an argument in support of my views, I am in favor of a constitutional convention.

Among some of the provisions of a new constitution I would suggest the following, to-wit:

1. Vest the legislative authority of the state in a general assembly, which shall consist of a senate and a house of representatives. Divide the state for senatorial purposes into fifty permanent districts and give to each district one senator. Make the house of representatives to consist of one representative from each county, provided that any county containing a city of one hundred thousand, or more inhabitants, shall be entitled to two representatives.

2. Make the term of all state and county officers four years, and disqualify all persons from holding the same office more than four years in any period of eight years.

3. Provide for a special election at which to select the judiciary of the state.

4. All impeachment proceedings should be instituted before and tried by the supreme court, except proceedings to impeach a judge of the supreme court, which should be tried by the senate.

5. In the present constitution, and in all cases as one of the causes thereof make incompetency a ground for impeachment. Yours, very truly, S. M. RALSTON.

Lebanon, Ind., Dec. 24, 1892.

W. C. DUNCAN.

Changes Are Needed But Not a Constitutional Convention.

To the Editor—Sir: Yours of recent date relating to the propriety and necessity of holding a constitutional convention was duly received and in reply will say that in my judgment there exists no sufficient emergency for changes in the state constitution as would warrant the calling of such a convention.

Admitting that there are some changes now proper and perhaps necessary to be made in the organic laws of the state, there are none of such imperative or immediate necessity that it may not well be trusted to the legislature, and not to a method of presenting them to the legislature of the state and through them to the people for ratification.

It seems well settled that the present number of supreme judges, as allowed by our constitution, is insufficient to transact the increasing volume of business before that body.

The terms of all state and county officers should be made of uniform duration of four years and the incumbent limited to a single term.

These and other things can be accomplished through the legislature without incurring the vast expense of electing and holding a constitutional convention, with the incident damage to the state.

Paoli, Dec. 24.

SENATOR KOPELKE.

There Is No Need of a Constitutional Convention.

To the Editor—Sir: There is no need of a constitutional convention. The defects that the present constitution may have shown are not of such moment as to justify us in going to the extent of a revision at this time, and in the present financial condition of the state. It is not

FROM MAINE TO MEXICO.



WHAT EVERYBODY SAYS MUST BE SO!

Among the hundreds of our readers who have taken advantage of the offer to supply them with a set of the REVISED ENCYCLOPEDIA BRITANNICA at such a phenomenally low figure, and on three months' time, it would be strange indeed if very many were not grateful therefor. That they are more than pleased is evinced from the unsolicited testimonials printed below, and which are but a few of the hundreds received. Here is what some of them say:

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TROY, N. Y., Nov. 23. Have received the 20 volumes Revised Encyclopedia Britannica, for which many thanks. Will you send me a second set, the same as I have just received for the same price? If so send them and I will forward the money immediately. MRS. A. A. HAWLEY, 1630 High-ave.

EAST LIVERPOOL, O., Dec. 1. I find the books very useful indeed. Think that with care they will last many years, even in the Association reading room, where so many have access to them. I am pleased with them. ARTHUR E. GAZELEY, Secretary Y. M. C. A.

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KINGSTON, Ont., Nov. 24. Received the books today. The binding, type, paper and maps are perfect satisfactory and as represented. I think they will be both enjoyable and useful. R. S. WILDER.

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LAS VEGAS, Mexico, Nov. 24. I have received the twenty volumes of the Revised Encyclopedia Britannica, and am much pleased with them. S. W. CURTIS.

GREENFIELD, Ohio, Nov. 19. I acknowledge the receipt of the entire 20 volumes of the Revised Encyclopedia Britannica. Am delighted with them and consider \$10 a small sum for such a mine of information. MRS. T. DEPOY.

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ger of general tampering with our organic law and unsettling the decisions of our courts based upon it. W. C. DUNCAN, Columbus, Dec. 24.

THE HON. T. B. BUSKIRK.

A Convention Needed at Once—Necessary Reforms.

To the Editor—Sir: I am of the opinion that we ought to have a constitutional convention at an early day. Among the needed reforms that present themselves to my mind just now are the following:

The election of U. S. senators by the direct vote of the people; fixing the terms of office of county officers, to be in all cases four years, followed by ineligibility of the incumbent for, at least, a like period; the lengthening of the term of prosecuting attorneys to six years, same as the judges, and an increase in the number of our supreme judges commensurate with